SINGLE BENCH

(2)
(4)

CR-1007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 919 / 2007

PETITIONER : Sushil Kumar Tiwari, S/o. Shri S.N. Tiwari, aged about 42 years, Working as Assistant Teacher, Govt. Middle School – Retawand , Block – Bastar, Distt. – Bastar (C.G.)

P.R. No. 1148/07
Presented by Shri Ajay Shrivastava
dated 9/12/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through The Secretary Department of School Education D.K.S. Bhawan, Mantralaya Raipur (C.G.)
2. The District Education Officer, Distt. – Bastar (C.G.)
3. Block Education Officer, Block – Bastar, Distt. Bastar (C.G.)

OATH COMMISSIONER APARNA MATHUR CG-07 Bilaspur Chhattisgarh

RECEIVED-COPY 10/12/07 A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARI OR ANY OTHER WRIT OF LIKE NATURE

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 919 of 2007

Petitioner : Sushil Kumar Tiwari

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Mr. Santosh Gupta, Advocate for the Petitioner.

Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 19th Day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Assistant Teacher in the Government Middle School-Retawand, Block-Bastar, District-Bastar. The petitioner obtained B. Ed. Examination certificate on 23.05.1994, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B. Ed. Examination Certificate on his own expenses is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation,

(24)

Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash